

on any claims against the Fire Marshal or any claims alleging the Life Safety Code is discriminatory on its face or as applied.

(Filing 148, at 2.) Although a motion to dismiss the State Fire Marshal has not been filed, the only parties to appear at the final pretrial conference on July 5, 2006, were DSN and the City. Reviewing the final pretrial conference order (filing 154), I find only issues that are related to the Lincoln Municipal Code and zoning ordinances. I find no issues that are related to the Life Safety Code. The final pretrial conference order, of course, supersedes all previous pleadings. See Anderson v. Genuine Parts Co., Inc., 128 F.3d 1267, 1271 (8th Cir. 1997); Fed. R. Civ. P. 16(e).

I conclude that those claims in Counts I, II, and IV of the amended complaint which are described in the City's motion (filing 89) are no longer part of this action. Accordingly,

IT IS ORDERED that the City's second motion for partial summary judgment (filing 89) is denied without prejudice, as moot.

July 6, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge